

Zoning and Land Use Ordinances

Subdivision Regulations

Non-Residential Site Plan Regulations

and

Building Regulations

Town of Strafford

New Hampshire

Incorporated 1820

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This booklet is updated to include all amendments to the Zoning and Land Use Ordinances and Building Regulations as adopted by the citizens of Strafford on or before March 14, 2006, and all amendments to the Subdivision Regulations and Non-Residential Site Plan Regulations as adopted by the Town of Strafford Planning Board on or before April 6, 2006.

Zoning and Land Use Ordinance  
Town of Strafford, New Hampshire

1.1 Preamble

In order to preserve the beauty and rural appearance of our Town, to protect the health, safety and general welfare of the community, to provide adequate areas between buildings and various rights-of-ways, to protect property values, to provide adequate public utilities and other public requirements, the following Ordinance is hereby adopted by the voters of the Town of Strafford, New Hampshire in accordance with Chapter 31, sections 60-89 (recodified as Chapters 673 to 677) of the New Hampshire Revised Statutes Annotated, as amended.

1.2 Districts

1.2.1 For the purpose of this Ordinance, the entire area of Strafford shall be established as an Agricultural-Residential District. (amended 3-13-1984)

1.2.2 Although no specific area has been set aside for business, or industry, the establishment of such an enterprise that can be shown to be an asset to the Town is encouraged. Off-road parking facilities must be provided by the business. Reference-Section 1.5 of this Ordinance.

1.2.3 Applications for any non-conforming uses shall be made to a Board of Adjustment for approval or disapproval.

1.3 General Provisions

1.3.1 For sanitary protection all sewage disposal systems to be installed, altered, or repaired within the Town limits shall be made in such a manner that they will not be a nuisance, or detrimental to the public health. Determination of these factors shall be made under the existing laws of the State of New Hampshire. Reference-RSA 149 Amended. (amended 3-13-1984)

1.3.2 No building permit shall be issued unless the related sewerage disposal system is in conformance with Town Ordinances and there is an approved State permit on file with the Town, if required. It shall be unlawful to install, alter, or repair any sewerage system without first obtaining a building permit from the Building Inspector. No sewerage system shall be covered up without an onsite inspection. The Building Inspector shall inspect any system not requiring State inspection. (amended 3-14-1989)

1.3.3 An owner or occupant of land shall not permit fire or other ruins to be left, but shall remove the same within six months. Reference--RSA 155-B.

1.3.4 Except for the purpose or in connection with the construction of a building for which a building permit has been issued, or for grading on the same site with material removed, or for other non-commercial uses no person shall remove sod, loam, sand, gravel, clay and stone without first obtaining a permit from the Planning Board in accordance with the existing laws of the State of New Hampshire, Reference--RSA 155-E as amended. No permit will be granted without there first being a public hearing. Said hearing to be held no later than thirty (30) days from the date of application for said permit. A permit will only be granted with a restriction that the site shall be restored through landscaping and revegetation. (amended 3-14-1989)

1.3.5 No permit to build will be issued by the Building Inspector or Selectmen until a scaled plat, or plan, showing the location of the structure or house, appurtenances and water and sewage systems in relation to the property lines and distance from property lines to any buildings on adjacent lots is presented with the application for the permit, and no building permit shall be issued without a driveway permit. No occupancy shall occur until all Town regulations are met, as certified by the Building Inspector or the Selectmen. (amended 3-8-1988)

1.3.6 No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with the provisions of this ordinance. Storage sheds up to one-hundred (100) square feet not on permanent foundations shall not require a building permit, but shall be located in conformity with the provisions of this Ordinance requiring minimum setback distances. (amended 3-8-1988)

1.3.7 The Planning Board shall have the power to approve or disapprove subdivisions in accordance with RSA 36 (recodified as RSA Chapters 672 to 677). The Town Clerk shall on passage of this Ordinance file formal notice with the Register of Deeds for Strafford County of the authorization of the Planning Board to approve or disapprove subdivisions and the date of said authorization.

1.3.8 Signs shall not be placed to interfere with any right-of-way and shall not exceed six (6) square feet, except by special exemption of the Board of Adjustment. Flashing or animated signs are prohibited. (amended 3-13-1984)

1.3.9 All building permits granted under this Ordinance shall not be valid for a period of more than one year. Continuation permits for construction shall be issued at the minimum fee, if construction under the original permit had begun within one year. (amended 3-13-1984)

1.3.10 When converting from seasonal to year-round occupancy, or before expanding any structure or occupying any existing structure on a full-time basis so as to increase the load on a sewerage disposal system, an application for the approval of the system must be filed with the New Hampshire Water Supply and Pollution Control Commission. The application must show that either the existing system or the design for a new system meet the requirements of the Commission for the intended use or the Town's minimum standards for use or occupancy, whichever is more stringent (Reference RSA 149-E: 3-c,d). Occupancy permits shall be required for all conversions. (effective 3-14-1989)

1.3.11 In order to protect the public health, wildlife, and surface and sub-surface groundwater of the Town of Strafford:

- 1) The stockpiling and landspreading of Class B sewage sludge containing disease causing pathogens (i.e. hepatitis and meningitis), heavy metals, parasites, and hazardous organic chemicals, and the stockpiling and landspreading of industrial papermill sludge containing cyanide dioxins, furans, and other toxic substances, shall not be permitted in the Town of Strafford, New Hampshire.

- 2) the landspreading of septage originating in the Town of Strafford and the landspreading of Class A sludge is allowed outside any watershed as defined by the Water Supply and Pollution Control Division, New Hampshire Department of Environmental Services, so long as the following conditions are met

- a) 250 foot setbacks from all waterbodies and all wetland areas
- b) 500 foot setbacks from all waterwell sources



- c) a land grade not to exceed 8 degrees
- 3) the reclamation of any gravel pit area shall be limited to clean sludge-free topsoil
- 4) nothing in this ordinance prohibits the use of bagged Class A sludge or Class A compost materials on residential gardens. (effective 3-10-98)

#### 1.4 Agricultural-Residential District:

A building may be erected, altered or used, and a lot may be used or occupied for the following purposes, and in accordance with the following provisions:

##### 1.4.1 Land Requirements

**A. Frontage**--Every building lot shall have a minimum frontage of two hundred (200) feet on a road, except where specifically waived by these ordinances. On the exterior curve of a cul-de-sac, a shorter front dimension shall be permitted; on a cul-de-sac or hammerhead the average width of the lot shall be at least 200 feet and not less than 100 feet shall be permitted. (amended 3-14-2006)

**B. Front Yard**--Between the boundary of the nearest highway or street right-of-way and the extreme front of any building there shall be a distance of not less than forty (40) feet. A building on a corner lot is considered to have two front yards. (amended 3-8-1988)

**C. Side and Back Yards**--A building shall not be located nearer than twenty-five (25) feet of the property lines of any abutter and not nearer than fifty feet from any structure on an abutter's property. (amended 3-14-2006)

**D. Minimum Land Area**--A lot shall contain not less than 2 acres of land which is suitable for development (87, 120 square feet) with an additional 20, 000 square feet of land which is suitable for development for each additional family unit under a common roof, except as set forth in parts (2) and (3) of this subsection. (amended 3-9-1999)

(1) There shall be no more than one residential structure per lot. (amended 3-14-2006)

(2) A lawful building may be constructed and used on a lot having less than the prescribed basic minimum area or frontage (provided that all other provisions of this Ordinance are complied with) if said lot, prior to the date of adoption and at the time of any subsequent amendment, conformed to the then existing area and frontage requirements of this Ordinance and met either of the following conditions:

- (a) Was a lot of record by deed duly recorded at the Strafford County Registry of Deeds or
- (b) Was lawfully laid out and shown on a plat of a subdivision approved by the Planning Board and duly recorded at the Strafford County Registry of Deeds pursuant to the Subdivision Regulations of the Town of Strafford.

(3) The minimum lot size for any building lot, any part of which will be located over 800 feet above sea level, shall be 5 acres. (effective 3-13-79, amended 3-8-2005)

E. No portion of a wetland shall be used in calculating minimum lot size. (effective 3-13-1979, amended 3-9-92)

F. No portion of an area of exposed ledge, or an area with a soil depth of less than twelve (12) inches to seasonal high water table shall be used in calculating minimum lot size. (effective 3-14-1989)

G. No portion of an area with a natural slope of greater than 25% shall be used in calculating minimum lot size. (effective 3-14-1989)

H. There shall be no structures located in an area of greater than 25% slope that extends for more than 40 horizontal feet. (effective 3-14-2006)

I: No portion of the area of a utility easement shall be used in calculating minimum lot size. (effective 3-14-2006)

J. **Shoreline Protection.** In order to protect surface waters in the Town of Strafford, the provisions of RSA 483-B:9, incorporated herein by reference, shall be adopted as a local ordinance to govern water bodies not included within the State of NH Shoreland Protection Act. Strafford Shoreline Protection shall include all land within 250 feet of the Isinglass River, Mohawk River, Berry's River, Big River, Little River, Big Willey Pond, Little Willey Pond, Adams Pond, and Wild Goose Pond. Measurements shall be taken from the "reference line" as defined in RSA 483-B:4,XVII. All land already covered by the State of NH Shoreland Protection Act (RSA 483-B) shall be regulated by the Act unless otherwise modified by this Section and/or if the area is exempted from the Act per application under RSA 483-B:12. (effective 3-11-2003)

#### 1.4.2 Land Uses Allowed

A. The buying, selling and exposing for sale of home produce and products.

B. The office of a professional person.

C. Taking of boarders or the leasing or renting of rooms or buildings.

D. Customary home occupations carried on in the house by a resident person.

E. Single family, two family, and three family residences including accessory buildings and buildings for agricultural purposes are permitted in this District.

F. Convalescent and nursing homes for the elderly, churches, schools, playgrounds, parks, golf courses, and tennis courts are permitted, as long as they are in conformance with the Non-Residential Site Plans. (amended 3-14-2006)

G. Farming, including dairying, livestock, and poultry raising, horticulture, truck farming, forestry, and other related agricultural enterprises, and the sale of the products realized from farming is permitted.

#### H. TELECOMMUNICATIONS FACILITIES.

1. This ordinance has been adopted in accordance with RSA 676:16 and shall apply in addition to requirements of New Hampshire State Law RSA 12-K. The regulatory provisions and definitions of this statute are hereby incorporated into this ordinance by reference to assist in the review and administration of the deployment of wireless facilities for the Town of Strafford. All submittal options found in RSA 12-K are hereby required as part of the site plan review process for permitting purposes.

Personal Wireless Service Facilities shall be permitted in the Town of Strafford in accordance with the following requirements.

A. Camouflaged mounts may be added to existing buildings and structures through the issuance of a building permit from the Building Inspector upon a finding that the installation presents no increased visual impact on the Town.

B. New ground mounts may be installed if disguised facilities are utilized and are no higher than 20 feet above the average tree canopy height. These facilities shall not be installed anywhere on land within 50 vertical feet of elevation of the summit of Parker Mountain, Evans Mountain, or Mack Mountain.

C. New ground mounted facilities shall be permitted upon the compliance with the provisions of this ordinance and site plan review by the Planning Board.  
(effective 3-11-2003)

#### 1.4.3 Conservation Development

A. Conservation Development is defined as a method of subdivision design that provides for the protection of natural, environmental, and historic land features by permitting variation in lot sizes and housing placement. This allows a residential subdivision where dwellings are allowed on reduced lot sizes and a portion of the tract is set aside as conservation area (land to be kept permanently unbuilt upon) to preserve open space, tree cover, scenic vistas, natural drainage ways and outstanding natural topography. Conservation Development helps to prevent adverse impacts to the land by permitting, and encouraging, innovative development according to the natural features of the site; sponsoring the development of a more attractive and economic site design, and increasing the value and quality of the community.

Some specific objectives are:

- (a) To conserve areas with productive upland soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for economically feasible and ecologically sensitive operations.
- (b) To encourage the maintenance and enhancement of habitat for plant and animal communities, including rare species.

- (c) To minimize site disturbance and erosion through the retention of existing vegetation and avoiding development in sensitive areas.
- (d) To conserve land that protects water quality and quantity, including watersheds and buffers along streams and rivers, wetlands and floodplains, ponds and lakes, and land overlying aquifers.
- (e) To protect scenic views and special elements of rural character.
- (f) To conserve historic settings, cellar holes, stone walls, archaeological sites, and structures that serve as significant visible reminders of the town's history.
- (g) To provide for non-directed recreational needs of the community.

B. Conservation Development may only be allowed at the discretion of the Planning Board, subject to the following:

A proposal for Conservation Development shall first be presented to the Planning Board as a Design Review (see Strafford Subdivision Regulations 2.5.8 B). Preliminary plans shall include area of site (acreage), location of property lines and their dimensions; existing easements, buildings, watercourses, ponds or standing water, rock ledges, stone walls, graveyards, and other essential physical features on-site; topographic contours; soils classifications and wetlands mapping. Preliminary plans shall also include a conservation plan identifying natural, environmental, historical and viewscape areas to be preserved and include irreplaceable natural features such as, but not limited to, agricultural areas, significant stands of trees, individual trees 36" or more in diameter, and other areas which may be considered sensitive.

C. Density: The maximum number of dwelling units shall equal the number of single family dwellings that would be permitted using the conventional zoning requirements. The Planning Board may require a yield plan showing a conventional subdivision meeting all Town and State requirements in order to determine the maximum number of lots.

The Planning Board may grant a density bonus of 10% for any development which has provided for additional and innovative methods for the protection of viewsapes; meadows; water bodies; wetlands; wildlife habitat/pathways; in the creation of central greens or common land; or the protection of mature well-stocked forest land.

D. All Conservation Developments shall:

- (1) Be on parcels of land with a minimum of twenty (20) acres;
- (2) Provide a minimum conservation area of at least 40% of the developable land area to be subdivided;
- (3) Have a minimum lot area of 1 acre of land which is suitable for development, or 1/2 acre of land which is suitable for development with a community water system.

(4) Have sufficient road frontage to meet objectives of conservation development requirements.

(5) Building envelopes shall meet minimum setback requirements of 25 feet from the front and rear boundaries and 10 feet from side boundaries, with the requirement that any structures built after initial development shall conform to standard setback requirements. Building envelopes must meet all standard setbacks to adjacent properties not part of the development.

(6) Conservation areas provided by conservation subdivisions shall be permanently protected as open space and shall be conveyed in one of the following ways subject to the approval of the Planning Board:

- A. To the Town of Strafford and accepted by the Board of Selectmen for conservation uses such as town forests or parks.
- B. To the State of New Hampshire for permanent open space uses.
- C. To a "qualified", 501 (c) (3) , private, non-profit organization whose principal purpose is the conservation of open space with the financial and organization means for perpetual stewardship, such as Bear-Paw Regional Greenways, the Natural Conservancy, the Society for the Protection of New Hampshire Forests , or New Hampshire Audubon.
- D. To a corporation or trust, such as a homeowner's association, owned or to be owned by the owners of lots or dwellings units within the subdivision, or to the owners of shares within a cooperative development.
- E. A private landowner such as a farmer or forest manager that will manage it for uses consistent with the purposes of this Article.

(7) Require that all lots shall have reasonable access to conservation area and shall be buffered from adjacent properties located outside the perimeter property line of the proposed development.

(8) There shall be a one hundred (100) foot buffer between existing Town or State of NH roadways and new lots.

(9) Meet all other zoning and subdivision requirements. (effective 3-11-2003)

#### **ARTICLE 1.4.4 WETLAND CONSERVATION OVERLAY DISTRICT**

##### **SECTION 1.0 PURPOSE AND INTENT**

The purpose of this District is to protect the public health, safety and general welfare; as well as, to preserve the ecological integrity and function of wetlands in Strafford, New Hampshire by controlling and guiding the land use activities within and surrounding them. The preservation of wetlands and their inherent functions, which include flood protection, wildlife habitat, ecological diversity, surface and groundwater quality enhancement, recreation and aesthetic value, is a goal of the Town Master Plan.

The intent of this article is to:



- a) Maintain and enhance the quality and quantity of surface waters and groundwater by protecting wetlands that function to filter pollution, trap sediment, retain and absorb chemicals and nutrients, recharge groundwater and produce oxygen;
- b) Protect wildlife habitats and natural vegetation upon which a variety of upland and aquatic species are dependent for purposes of breeding or sustenance.
- c) Prevent the destruction of, or significant changes to, wetland areas which provide flood protection; protect persons and property against the hazards of flood inundation; and provide for nutrient attenuation and augmentation of stream flow during dry periods;
- d) Prevent damage to structures and properties caused by inappropriate development of wetlands.
- e) Prevent hydrologic impacts to wetlands that impair their functional values.
- f) Prevent unnecessary or excessive expense to the Town in providing or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.

## **SECTION 2.0 WETLAND CONSERVATION DISTRICT DEFINED**

The Wetland Conservation District shall include all wetlands in Strafford and the buffer areas surrounding the wetland and surface water features as defined in Section 2.0 and 3.0 of this article or in the New Hampshire Department of Environmental Services Comprehensive Shoreland Protection Standards, RSA 483-B:9. The term "buffer" means the protected upland areas adjacent to wetlands and surface waters in the Wetland Conservation District other than the wetlands and surface waters themselves.

## **SECTION 3.0 RESTRICTED USES WITHIN THE WETLAND CONSERVATION DISTRICT**

**Wetland Buffer Areas:** Within twenty-five (25) feet of vernal pools, perennial streams, or wetlands over 3000 square feet in area, there shall be no land disturbance or activities that may impact a wetland, unless a Conditional Use Permit has been granted by the Planning Board in accordance with Section 5.0 of this article, or unless exempt as stated in Section 6.0 of this article. These activities include, but are not limited to, construction, filling, dredging, re-grading, application of pesticides or fertilizer (other than limestone), and storage of hazardous chemicals or materials.

The following restricted use wetland buffers shall be observed in order to protect the integrity and functionality of the wetland resource. The Planning Board, in consultation with the Conservation Commission, may require larger buffers around a wetland if an assessment of its functions indicates that such an increase is warranted.

### **RESTRICTED USE WETLAND BUFFERS<sup>1</sup>**

<b>Resource</b>	<b>Septic System Leachfield<sup>2,3</sup></b>	<b>All Buildings or Structures and Non-Residential Parking Areas<sup>2</sup></b>
<b>Wetlands (Poorly Drained Soils)</b>	75 feet	50 feet



<b>Wetlands (Very Poorly Drained Soils)</b>	100 feet	50 feet
<b>Surface Waters or Wetlands Abutting Surface Waters</b> (Abutting open surface water <sup>4</sup> (i.e., a lake, pond, river or perennial stream))	100 feet	50 feet
<b>Vernal Pools</b>	100 feet	75 feet
<b>Designated Rivers<sup>5</sup></b> (Buffer from ordinary high water mark as defined in the NH Comprehensive Shoreland Protection Act.)	100 feet	75 feet

<sup>1</sup> Buffers derived from current New Hampshire town ordinances and scientific documents that identify the correlative health of wetlands with protective setbacks. Reference: Buffers for Wetland & Surface Water: A Guidebook for New Hampshire Municipalities, revised May 1997, Wetland Buffers: Use and Effectiveness, Washington State Department of Ecology, February 1992.

<sup>2</sup> Buffers shall be measured on the horizontal plane.

<sup>3</sup> See Section 5.0 for Specific Exemptions.

<sup>3</sup> Proposed septic systems with a design capacity in excess of 1,200 gallons per day shall either provide a water quality impact report prepared by a qualified New Hampshire licensed Professional Engineer or Certified Wetland Scientist, or increase the buffer to 150 feet from the edge of the wetland. The Planning Board reserves the right to increase the buffer size for such system designs in order to ensure the wetland or surface water quality is protected.

<sup>4</sup> If abutting surface water is protected by the New Hampshire Comprehensive Shoreland Protection Act, the most restrictive buffer shall be applied.

<sup>5</sup> Rivers designated for protection under the New Hampshire Rivers Management and Protection Program (i.e., Isinglass River).

## SECTION 4.0 CONDITIONAL USE PERMITS

The construction of roads other than a woods road or logging road, water impoundments, water supply systems, pipelines, power lines and other transmission lines in wetlands or within 25 feet of a wetland shall require a Conditional Use Permit from the Strafford Planning Board. The Conditional Use Permit may be granted by the Planning Board, after considering the Conservation Commission's recommendations, and only upon finding all of the following:

- a) The proposed construction is essential to the productive use of areas not within the Wetland Conservation District.
- b) Design, construction and maintenance methods will minimize any detrimental impact upon the wetlands and buffer areas, and will include restoration of the site as nearly as possible to its original grade and condition.
- c) No alternative route is feasible and reasonable.
- d) Economic advantage is not the sole reason for the proposed location of the activity, and
- e) Issuance of permits (if applicable) from the New Hampshire Wetlands Bureau and the Army Corps of Engineers. A copy of these permits shall be submitted to the Town.

Failure to perform the construction in accordance with the plan presented to the Planning Board for the Conditional Use Permit shall be deemed a violation of this article.

## **SECTION 5.0 EXEMPTIONS**

- a) An existing building within a buffer area may be repaired and/or replaced provided the new or repaired structure, including any impermeable surfaces, shall not extend further into the buffer area than the footprint of the original structure.
- b) Forest management activities conducted in accordance with the Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, 2004 (or subsequent revision) and agriculture.
- c) The construction of an unpaved road by the property owner for land access purposes only; such as, logging, fire protection, and recreation. Road building that is associated with the development of any structure or thorough-fare is not exempt from the restrictions of this article.
- d) Failing septic systems located within the buffer area may be replaced within the buffer area provided:
  - 1) The new leachfield does not extend further into the buffer area than the original system.
  - 2) The design capacity of the system is not increased.
  - 3) Erosion and sedimentation control measures are implemented during construction. Detrimental impacts to the wetland and buffer area are minimized and mitigated as requested by the Planning Board.
  - 4) Contaminated soils are removed from the buffer area.
  - 5) The previous system is in failure.
  - 6) The new system meets all other New Hampshire State requirements.
- e) The following features shall not be construed as wetlands with regard to designating buffer areas under the provisions of this article. All applicable New Hampshire state permits shall still be required.
  - 1) Manmade ditches and swales
  - 2) Constructed sedimentation/detention basins or ponds
  - 3) Constructed agricultural/irrigation ponds and swales
  - 4) Septage or manure lagoons
  - 5) Silage pits.
- f) Work in a buffer area in association with an approved New Hampshire Department of Environmental Services (NHDES) dredge and fill permit for wetlands impacts qualifying as minimum impact.

## **SECTION 6.0 DREDGE AND FILL PERMITS**

- a) Prior to filing a Standard Dredge and Fill Permit Application with the New Hampshire Department of Environmental Services (NHDES) for Minor or Major wetland impacts, the applicant, or his/her representative must meet with the Conservation Commission to ensure that the proposed dredge and fill is consistent with the intent of the ordinance.
- b) An approved NHDES dredge and fill permit, once acted upon, will accordingly change the Wetland Conservation District boundary, which will be applied from the new edge of wetland.

## **SECTION 7.0 BOARD OF ADJUSTMENT NOTE**

Any variance or appeal to the Zoning Board of Adjustment shall be in accordance with NH RSA 676:5. Prior to holding a public hearing on an appeal or variance, the Zoning Board shall forward a copy of the plan and application to the Conservation Commission for review and comment. The Conservation Commission shall, after reviewing the plan and application, forward any appropriate recommendations to the Zoning Board of Adjustment for its consideration.

## **SECTION 8.0 VIOLATIONS**

Any wetland or its buffer altered in violation of this article shall be restored at the expense of the violator(s) as provided by RSA 483-A:5 and under the direction of a New Hampshire certified wetland scientist and said restoration shall be subject to review by the Strafford Conservation Commission. When appropriate, injunctive relief shall be sought by the Town as per RSA 676.

### **1.4.5 Viewshed Protection Overlay District**

In order to protect the rural character of the town of Strafford and the natural and scenic elements of the landscape, any new structure within the Viewshed Protection Overlay District shall meet all the following requirements:

The Viewshed Protection Overlay District includes Barn Door Gap, Blue Job Mountain, Evans Mountain, Mack Mountain, and Parker Mountain, at or above eight hundred (800) feet above sea level.

#### **Viewshed Protection Overlay District Requirements:**

Any new structure as designed and sited in the district that can be viewed from any existing public way or public water, shall adhere to all of the following standards:

- A. The highest point of proposed structure(s) shall be at least twenty-five vertical feet below a major or minor ridgeline.
- B. Proposed structures cannot be silhouetted against the sky when viewed from any public way or public water.

C. Sufficient natural on-site vegetation shall be retained or native vegetation added to naturally screen the project and to maintain tree lines on ridges, as viewed from public ways and public waters.

D. The project lighting, including site lighting, shall be designed to minimize visibility and glare from existing public ways and public waters.

### **1.5 Special Exceptions:**

1.5.1 Business, commercial, or industrial ventures other than those mentioned in Paragraph 1.4.2, may be given special exception by the Board of Adjustment, upon submission and approval of a site plan, provided that the following requirements are met (Reference Non-Residential Site Plan Regulations of the Town of Strafford, effective 3-13-1979):

A. No venture shall be permitted which would be detrimental or offensive to the owners of adjoining property or to the Town, or which would tend to reduce property values of other property, or which would cause any hazard to health or safety, or which would prove offensive to the Town because of noise, air or water pollution or depletion of water resources, or which would cause any condition contrary to the rural atmosphere of the community. (amended 3-11-2003)

B. Sufficient acreage shall be included to allow the following setbacks:

(1) In the front, not less than seventy-five (75) feet from a right-of-way to any building or not less than twenty-five (25) feet from any parking lot having both an exit and an entrance and with grass and/or beautification in the buffer area.

(2) Side and rear: Not less than fifty (50) feet from a building or parking lot to the lot line.

(3) Sufficient off-street parking to allow three hundred (300) square feet for each three anticipated patrons or employees on premises at the same time. In the case of service establishments, one car shall be deemed to contain four patrons.

C. Adequate landscaping shall be provided to maintain the property in character and keeping with the surrounding area.

1.5.2 All known abutters of any proposed exception shall be notified by the Board of Adjustment by certified mail at least two weeks prior to the hearing.

1.5.3 A permit for a special exception shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than one year for any reason. (effective 3-13-1979)

### **1.6 Mobile Homes:**

1.6.1 A single mobile home or single trailer may be located anywhere in the district provided it meets all frontage, front yard, side yard and back yard, minimum land area, and sewerage disposal requirements that are specified in this Ordinance for building and lots located in the district.

1.6.2 No Trailer Park or Mobile Home Park for the use of mobile homes or house trailers shall be permitted in the district unless authorized by the Town of Strafford at an Annual or Special Town

Meeting called by the Selectmen at the request of the Planning Board. After such authorization, no permit shall be granted unless the park site meets all the requirements of Paragraph 1.6.1.

1.6.3 Building codes including plumbing, heating and electrical systems in mobile homes brought into the Town of Strafford shall, except as otherwise provided by law, be in accordance with the requirements of the 1976 Federal Mobile Home Construction and Safety Standards, as amended, which are hereby adopted and made part of this ordinance. (amended 3-8-1988)

1.6.4 The minimum foundation requirement for a mobile home shall be a concrete slab at least equal in size to the mobile home being placed upon it. It shall also be enclosed or skirted from its base to the concrete. (effective 3-13-1984)

#### **1.7 Non-Conforming Use:**

1.7.1 Any non-conforming use of land, building lot, or buildings may continue in their present use except that such non-conforming use shall not be changed, extended, or enlarged except by special permit of the Board of Adjustment. A discontinuance of one year shall void the permit.

#### **1.8 Enforcement:**

1.8.1 The Board of Selectmen or their designee shall have authority to enforce the provisions of this Ordinance. (amended 3-8-94)

1.8.2 The Building Inspector shall issue all building permits requested when such permit is in accordance with the provisions of this Ordinance. In the event of the inability of the Building Inspector to function, the Selectmen shall issue said permits. (effective 3-13-1984).

1.8.3 It shall be unlawful to erect, alter, or relocate any structure, or install, alter, or repair any sewerage system, without first obtaining a building permit from the Building Inspector. (amended 3-13-1984)

#### **1.9 Board of Adjustment:**

1.9.1 Within thirty days after adoption, the Board of Selectmen shall appoint a Board of Adjustment of five members, one member to serve for one year, one for two years, one for three years, one for four years, one for five years, and thereafter the Selectmen shall appoint one member for a term of five years. Vacancies shall be filled by the Selectmen for the unexpired term. The duties of said Board shall conform to the provisions of Chapter 31 of the New Hampshire Revised Statutes Annotated: 1955, recodified as NH RSA Chapters 673 to 677: 1983, as amended.

1.9.2 In addition to the general powers granted to the Board of Adjustment by Chapter 31 (recodified as Chapters 673-677), it may, in harmony and subject to the provisions of this Ordinance:

A. Permit a non-conforming temporary use for an initial period of not more than two years.

B. Waive the frontage requirements in this Ordinance where there are unusual conditions of street curvature, topography or sub-surface conditions. In such cases, however, the average width of the lot shall be at least equal to the frontage requirements.

#### **1.10 Amendments:**



1.10.1 This Ordinance may be amended in accordance with RSA 675: 2-5, which requires notices, hearing and publication prior to the actual vote. (amended 3-13-1984)

**1.11 Penalty:**

1.11.1 Every person, persons, firm or corporation convicted by an authorized court having jurisdiction for the violation of any of the provisions of this Ordinance shall be subject to penalties in accordance with RSA 676: 17. (amended 3-8-1988)

**1.12 Saving Clause:**

1.12.1 The invalidity of any provision of this Ordinance shall not affect the validity of any other provisions.

**1.13 When Effective:**

1.13.1 This Ordinance shall take effect upon its passage.

**1.14 Definitions:**

1.14.1 **Home produce and products** includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of the resident and such articles as are manufactured or altered by members of the household and their employees.

1.14.2 **Right-Of-Way** means all Town, State and Federal highways and the land on either side as covered by statutes to determine the widths of the rights-of-way.

1.14.3 **Trailer Park or Mobile Home Park** means a lot occupied by two or more trailers designed to be used for living purposes.

1.14.4 **Front Yard.** A space extending for the full width of a lot between the extreme front line of a building and the boundary of the nearest highway or street right-of-way. (amended 3-13-1984).

1.14.5 **Frontage.** Frontage means the length of the lot bordering on the public right-of-way and/or private right-of-way. Developments on private roads are subject to the same zoning regulations as those on public roads and private roads shall conform to the requirements of the Strafford Subdivision Regulations, Article 2.6.5. Frontage must be on a road in Strafford or directly accessed through Strafford. (amended 3-14-2006)

1.14.6 **Non-conforming Structure.** A non-conforming structure is a structure which does not conform to the use, dimensional or other regulations of the district in which the structure is located. (amended 3-8-94)

1.14.7 **Non-conforming Use.** A non-conforming use is a use in any structure which does not conform to the use regulations of the district in which such use exists.

1.14.8 **Lot.** A Lot is any undivided parcel of land in legal separate ownership or any part thereof designed by its Owner or Owners as a separate lot.

1.14.9 **Building Lot.** A lot on which is placed a building.



1.14.10 **Side Yard.** An unoccupied space extending for the full length of a building and the side lot line.

1.14.11 **Back Yard.** An unoccupied space extending for the full width of the lot between the extreme rear line of a building and the rear lot line.

1.14.12 **Accessory Building.** A building subordinate to the main building and customarily incidental to the main purpose of such building.

1.14.13 **Structure.** A combination of materials to form a construction that is safe and stable, including among others but not limited to dwellings and shall include any part thereof.

1.14.14 **Building.** A structure, including all integral parts thereof, intended for use and occupation as a habitation, or for some purpose of assembly, business manufacture, institutional, storage, ornamentation, or shelter to persons, animals or chattels.

1.14.15 **Dwelling.** A building used as a habitation or parts thereof used for access to such building.

A. Single family dwelling means a building and accessories thereto used or adapted for use as a dwelling by one family.

B. Two family dwelling means a building and accessories thereto used or adapted for use as a dwelling by two families.

C. Multiple dwelling means a building and accessories thereto used or adapted for use as a dwelling by more than two families or by any unit or group other than a family as defined herein.

D. Seasonal refers to less than six (6) continuous months in any one calendar year. (amended 3-14-1989)

E. Dwelling unit means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

1.14.16 **Wetlands.** A "wetland" is defined as an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, vernal pools and similar areas. In accordance with New Hampshire Department of Environmental Services (NHDES) and United States Army Corps of Engineers requirements, wetlands are to be identified and delineated using the 1987 Corps of Engineers Wetlands Delineation Manual. (amended 3-14-2006)

1.14.17 **Vernal Pools.** A "vernal pool" is defined as an area that temporarily retains water during the spring, summer and/or autumn under typical climatic conditions. Vernal pools provide essential breeding habitat for certain amphibians, invertebrates and reptiles due to the absence of fish and the natural hydrologic conditions. The specific amphibians, invertebrate and reptiles that may use vernal pools in Strafford are described in: Identification and Documentation of Vernal Pools in New Hampshire, Audubon Society of New Hampshire, 1997. (effective 3-14-2006)

**1.14.18 Buildable Area.** Only land which can be used to calculate minimum lot size shall be considered buildable area (reference 1.4.1 Sections E, F, and G). (effective 3-14-2006)

## **1.15 Growth Management Ordinance**

### **A. Purpose and Authority**

This ordinance is enacted to phase in the development of tracts of land and future subdivisions thereon, at a rate which will be compatible with the orderly and gradual expansion of community services including, but not limited to school facilities, police and fire protection, road maintenance, recreation and the waste disposal facility. The Town of Strafford deems it desirable to control its growth, size, and nature in order to promote the development of an economically sound and stable community, preserving the town's rural character and natural scenic beauty, preventing scattered and premature development of land, and to protect the health, safety and welfare of its inhabitants.

Pursuant to the provisions of NH RSA 674:21 and 674:22, the Town of Strafford adopts the following Growth Management Ordinance, to be administered by the Strafford Planning Board in conjunction with the Subdivision Regulations of the Town of Strafford. This ordinance is further supported by the objectives for town growth, as stated in the Town of Strafford Master Plan (2002) and the Capital Improvements Program adopted by the Planning Board.

### **B. Applicability and Limitations**

This article shall apply to all subdivision applications filed with the Planning Board that request approval of 6 or more building lots, to include cumulative subdivision of one parcel. For the purposes of this article, the proposed subdivision of multiple contiguous parcels under a single ownership shall be considered to be one subdivision.

In establishing the phasing schedule, the Planning Board shall not restrict the number of dwelling units permitted annually to less than 5 units or ten percent (10%), whichever is greater, of the total number of dwelling units permitted in the approved subdivision plan.

### **C. Procedure**

The Planning Board may, in its discretion, establish a phasing schedule of any subdivision subject to the provision of this article specifying the number of dwelling units per year that can be constructed and the total number of years involved.

In establishing a phasing schedule pursuant to this article, the Planning Board shall take the following factors into consideration:

1. The impact of the proposed subdivision upon the ability of the Town to provide or expand municipal or community services if it is not phased.
2. The general character of the neighborhood in which the tract lies, the effect of the plan on the area, and the effect of the plan on the rural character of the Town.
3. The relation of the plan to the long-range plans of the Town as contained in the Town of Strafford Master Plan, as amended.
4. The natural terrain of the tract.

5. The area of the tracts that is usable and suitable for residential construction. (effective 3-14-2006)

#### **1.16 Subdivision Roads**

Roads in subdivisions approved after September 8, 1970, may be presented at the annual Town Meeting for approval and acceptance by majority vote of the Town as a Town road upon said application, providing they meet all criteria and after having been inspected by the Selectmen and the Road Agent to ensure that current Town of Strafford standards have been met (reference--Subdivision Regulations Article 2.6.5) and that said road being considered for approval connects with an existing Town road. (amended 3-8-1988)

#### **1.17 Distribution:**

The Planning Board, subject to the approval of the Selectmen, shall be authorized to renumber and reprint word for word, the various parts of the Building Regulations, Zoning Ordinances, Subdivision Regulations and the Non -Residential Site Plan Regulations in order to provide for ease of understanding and increased availability to the citizens. (effective 3-13-1984)

## Subdivision Regulations of the Town of Strafford

### 2.1 Authority:

2.1.1 Pursuant to the authority vested in the Strafford Planning Board by the voters of the Town of Strafford by vote of the Special Town Meeting, September 8, 1970 and in accordance with the provisions of Chapter 36, Sections 19-29 (recodified as Chapters 674 to 676) of the New Hampshire Revised Statutes Annotated 1955, as amended, the Strafford Planning Board adopts the following Regulations governing the subdivision of land in the Town of Strafford, New Hampshire. These regulations reflect the wishes of the citizens of Strafford as expressed in the Town of Strafford's Master Plan, adopted January 8, 1979, and Master Plan Update, adopted September 5, 2002. Any interpretation of these regulations, if required, will be predicated on the intent of the Master Plan and Master Plan Update as interpreted by the Planning Board. (amended 5-1-2003)

### 2.2 General Provisions:

2.2.1 **Title.** These Regulations shall be known and cited as Subdivision Regulations of the Town of Strafford.

2.2.2 **Jurisdiction.** These Regulations shall pertain to all land within the boundaries of the Town of Strafford and shall be effect from the time of their adoption by the Strafford Planning Board. In addition, these Regulations shall also be applicable to condominium development and to the subdivision of any convertible land, convertible space, or unit. (amended 4-30-1980)

2.2.3 **Administration.** The Planning Board of the Town of Strafford shall administer these regulations.

2.2.4 **Penalties.** Whoever, being the owner or agent of the owner of any land by reference to or exhibition of, or by any other use of, a plat of a subdivision, before such plat has been approved by the Planning Board and recorded or filed in the office of the Register of Deeds of Strafford County shall forfeit and pay a penalty of \$500.00 for each lot or parcel so transferred or sold and the description by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties. The Town through its solicitor or other official designated by its Selectmen may enjoin such transfer or sale or agreement and may recover the said penalty by civil action, including reasonable Court costs and attorney fees.

2.2.5 **Severability.** If any section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or illegal, such invalidity shall not affect the validity of the remaining portion of these regulations.

2.2.6 **Survey.** All survey plans presented to the Board shall be prepared by a surveyor licensed to practice in the State of New Hampshire and plans shall meet the standards as described in the Ethics and Standards, New Hampshire Land Surveyors Association (latest edition). (effective 5-6-1999)

2.2.7 **Special Flood Hazard Areas.** All subdivision proposals and proposals for other developments governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Strafford, NH" together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the Town of Strafford, dated February 28, 1975 (County of Strafford Map Revised May 17, 2005), or later revisions, shall meet the following requirements (amended 1-27-2005).

A. Subdivision proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards.

B. Subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is less, shall include 100 year flood elevation data.

C. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector.

Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

D. Along watercourses that have a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the designated Regulatory Floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from a Federal, State, or other source as criteria for requiring that development meet the floodway requirements of this section. Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. (amended 6-7-1990)

### 2.3 Definitions:

2.3.1 **Board.** The Planning Board of the Town of Strafford.

2.3.2 **Easement.** A grant or reservation by the owner of land for the use of all or a portion of such land by others, including the public, for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement. The usage of the word "easement" for land platting purposes in these regulations means that such easement area is included within the dimensions and areas of the lots or parcels through which the easement may run, and is not to be separated therefrom as in the case of a right-of-way.

2.3.3 **Lot.** A parcel of land capable of being occupied by one principal structure or use, and its accessory structures or uses, and is shown and identified as such on a plat. The number of lots in a subdivision will be considered to be the total number on adjacent land with the same subdivider whether the subdivision is made at one time or serially.



2.3.4 **Plat.** The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the Register of Deeds of Strafford County for recording.

2.3.5 **Right-of-Way.** A strip of land occupied or intended to be occupied by a street, crosswalk, water main, sanitary storm or sewer main, or for other special use including public use. The usage of the term "right-of-way" for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a record plat is to be separate and distinct from the lots and parcels adjoining such right-of-way, and not to be included within the dimensions or areas of such other lots or parcels.

2.3.6 **Roadway.** The finished road surface between the shoulder breaks.

2.3.7 **Street.** (Street, avenue, boulevard, road, alley, lane or highway) A public way designated for purposes of vehicular travel or vehicular and pedestrian travel and including the entire area within the right-of-way. (amended 6-7-1990)

2.3.8 **Subdivider.** The registered owner or the authorized agent of the registered owner of a subdivision.

2.3.9 **Subdivision.** The division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale, rent, lease or building development. When appropriate to the context of these regulations, the word "subdivision" shall relate either to the process of subdividing or to the land or area subdivided.

2.3.10 **Abutter.** Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. (amended 4-30-1980)

2.3.11 **Driveway.** A privately owned and maintained vehicle entrance and/or exit to no more than three lots. A driveway does not require a right of way. A driveway does not provide lot frontage as defined by these regulations. (effective 7-5-1990)

2.3.12 **Private Road.** A road (or street, avenue, etc.) which is not a public way and which has not been accepted as a town road by the Town of Strafford. A private road that is intended to remain private shall conform to the right-of-way requirements, construction standards, and all other requirements of these regulations for public roads (reference Article 2.6.5) unless such construction standards are specifically waived by the Planning Board. (amended 4-6-2006)

2.3.13 **Yield Plan.** A plan presented to the Planning Board in accordance with Zoning and Land Use Ordinances Article 1.4.3 Conservation Development, Paragraph C Density, which shows the layout of potential lots, roads, and any other required improvements on a property proposed for development, meeting all zoning requirements and regulations governing conventional subdivision. (effective 5-1-2003)

2.3.14 **Conservation Areas.** Conservation Areas are the permanently protected open spaces in a Conservation Development presented in accordance with Article 1.4.3 of the Zoning and Land Use Ordinances.

Allowed in Conservation Areas:

Agriculture  
Forestry  
Trails



Passive Recreation  
Grassed play areas

Not Allowed in Conservation Areas:

Buildings  
Storage Areas  
Refuse or Brush Disposal Areas  
Campgrounds  
Septic Systems  
Athletic Fields (unless specifically approved by the Planning Board)  
(effective 5-1-2003)

2.4 Exemptions:

2.4.1 The following types of subdivisions are exempt from the requirements of these regulations:

- A. **Court Action.** Partition of lands by will or through action of a court of competent jurisdiction.
- B. **Public Taking.** The division of a tract or parcel of land by the public taking, such as the creation of a right-of-way across the property.
- C. **Utility Rights-of Way.** A bona fide division of a tract of land in order that one or more of the resulting parcels may be used as part of an electric transmission line right-of-way, or other public utility right-of-way.

2.5 Procedure:

2.5.1 **Application Requirements.** Whenever any subdivision to which these regulations are applicable is proposed to be made, and before any offer to sell, and before any contract for the sale of such subdivision or any part thereof shall have been negotiated, the subdivider shall apply in writing to the Board for placement on an agenda for consideration. The application must be submitted to the Board at least fifteen (15) days prior to the date of requested consideration and must contain the names and addresses of all abutters to the plat. The names and addresses of abutters must be obtained by verifying with the Town tax map, in the Town Offices, not more than five (5) days prior to submitting the application. (amended 6-7-1990)

2.5.2 **Completed Applications.** One copy of an application form and three copies of the subdivision plans, containing all the applicable information described in Section 2.7, shall be considered as sufficient information for the Board to invoke its jurisdiction. In addition to that information required in Section 2.7, the plat shall contain the current names of abutters, the page and lot numbers of the parcel according to the Town tax map and be accompanied by a copy of the applicable deed or deeds. (amended 6-7-1990)

2.5.3 **Notification.** The Board shall notify the applicant and all abutters of the placement on the agenda for consideration by certified mail, with return receipt requested. The notification will be mailed at least 10 days prior to the meeting and shall contain a general description of the proposed subdivision, the identification of the applicant, and the location of the proposal. Similar notices shall also be posted in at least two public places in Town. When a notification of a public hearing is required, it shall be given to the same individuals and in the same manner as the notification for placement on the agenda. (amended

10-21-1981)

**2.5.4 Acceptance.** The Board shall accept only completed applications and only at public meetings. The Board shall discuss the application with the applicant or his or her agent. It shall also invite discussion by abutters or other interested persons. Any changes or additional information that the Board requires, shall be made known to the applicant and shall become part of the official record of the meeting. If the Board determines the application to be incomplete, the reasons shall be stated for such non-acceptance, to the applicant and in the official records of the Board. (amended 6-7-1990)

**2.5.5 Approval.** Any application accepted by the Board for consideration that contains three or less lots for building development purposes; or that involves minor lot line adjustments; or boundary changes which do not create buildable lots; or proposals which do not involve creation of lots for building development purposes may be approved at the same meeting, providing that the plat contains all the information required by Section 2.7 and Section 2.8 and that a site review is not deemed necessary by the Board. Conditional approval may be given if the plat contains only minor deficiencies and the Chairman or Secretary is authorized to sign the plat, once these deficiencies are corrected. All other applications require acceptance at one meeting and a public hearing at another meeting, prior to approval. The Board shall begin formal consideration of an accepted application within thirty (30) days after acceptance and shall act within ninety (90) days after acceptance. The Board may apply to the Selectmen for an extension, not to exceed an additional ninety (90) days, before acting to approve or disapprove an application. The applicant may waive the requirement for Board action, within the time periods specified above, and consent to such extension as may be mutually agreeable (Reference-NH RSA 676:4). (amended 6-7-1990)

**2.5.6 Approval of Plats of Exempted Subdivision.** Where the approval of the Board is necessary, as a prerequisite for recording of any plat exempted from these regulations, the Chairman or Secretary are hereby empowered to make such approval; provided, however, any question of the exempt status of a subdivision hereunder, shall be submitted to the Board for its determination. (amended 10-21-1981)

**2.5.7 Costs.** All costs pertaining to a subdivision, and the approval thereof, shall be borne by the subdivider. A reasonable fee shall be paid for each letter at the time of application for consideration and public hearing, if required. Reasonable fees shall be imposed by the Board to cover administrative expense. The cost of special investigative studies, such as archaeological studies, engineering studies, environmental studies, or construction inspection, and review of documents which may be required by the Board shall be borne by the applicant. Failure to pay all costs shall be grounds for disapproval. (amended 5-1-2003)

**2.5.8 Pre-Application Review.** Any individual may approach the Board at any regularly scheduled meeting for preliminary advice and consultation concerning anticipated subdivision of land. Such preliminary consultation contains two phases, either or both of which may be omitted at the discretion of the potential subdivider:

- A. Preliminary conceptual consultation Phase and/or
- B. Design review phase.

A. Preliminary conceptual consultation phase is limited to a general review of the basic concept; informal discussion of the proposal in conceptual form and in general terms such as the desirability of types of subdivision and conformity with the Master Plan. This consultation is binding on neither the potential applicant nor Board members, and statements made by Board members shall not form a basis for subsequent disqualification of any member, nor invalidation

of any subsequent Board action. Formal public notice is not required for preliminary conceptual consultation.

B. Design review phase consists of a non-binding discussion between the potential subdivider and the Board which involves more specific design, layout, and engineering details than appropriate for the preliminary conceptual consultation phase. Statements by Board members shall not be a basis for disqualification of any member, nor invalidation of any subsequent Board action taken. The notification requirements outlined in Section 2.5.3 apply to the Design Review phase. (amended 6-7-1990)

C. Yield Plan Criteria. Yield Plans shall depict all roadway right of ways, property lines, wetlands, and lot areas. The Planning Board will determine whether the Yield Plan represents a reasonable layout for a conventional subdivision.

1) The Yield Plan shall show all wetlands and proposed disturbances in sufficient enough detail so that the impact can be assessed by the Board. The total proposed wetlands disturbance shall be minimized in accordance with the requirements of the NH DES Wetlands Bureau. In most cases this would be less than a total of 20,000 square feet of wetlands impact.

2) Roadway Layout: The roadway concept must meet all the Subdivision Regulation criteria for roadways under Section 2.6.5 Streets. In areas where the existing topography is steep or rolling, the Planning Board may require road profile information to show that excavation and earth fills are reasonable. (effective 5-1-2003)

**2.5.9 Failure to Take Action.** Should the Board fail to act within the 90 day time limit, subject to any extension or waiver, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order shall, upon petition of the applicant, constitute grounds for Superior Court action. (Reference NH RSA 676: 4) (amended 10-21-1981)

## 2.6 General Requirements:

### 2.6.1 Character of Land

A. **Unsafe Land.** The Board shall prohibit or restrict subdivision of land which is found by the Board to be unsafe for development by reason of its being subject to flooding, erosive action, unstabilized slope or fill, or otherwise located in a situation so that safe healthful development cannot be maintained on the land.

B. **Unsuitable Land.** The Board shall restrict subdivision of land which is found by the Board to be unsuitable for development by reason of high water table, bed rock or other impervious strata close to the surface, or excessive slope.

C. **Part of Lot.** The Board may permit, as to unsafe and unsuitable land, that it be platted as part of a lot in which there is sufficient safe and suitable land to satisfy the requirements of these regulations as to minimum lot size.

D. **Ponds, Streams, and Wetlands.**

(1) In cases not controlled by an agency of the State of New Hampshire, the Board will not normally permit the filling or dredging of any part of a pond beyond the normal high water line, including adjoining swamps, marshes and bogs; the obstruction or partial obstruction of the normal flood bed of any stream or natural waterway; the change in course of such streams or waterways; or the filling of any adjoining swamp, marsh or bog. This provision will not be deemed to prevent the normal improvement of beaches or of the bed of a stream or waterway for proper drainage.

(2) The Strafford Planning Board reserves the right to require the restoration of an impacted wetland as a condition of approval for any proposed sub-division development that has altered the land surface or hydrologic features of a wetland. The potential causes of wetland impacts include, but are not limited to, heavy equipment use, test pit digging, logging and clearing, trenching, grading, dredging and/or filling. Impacts to a wetland that are associated with a sub-division development shall be considered a violation of this article and will be addressed as stated in Article 1.4.4, Section 8.0. (amended 4-6-2006)

**E. Consistency with Master Plan.** The Board shall further restrict subdivisions which are not in consonance with the Master Plan or the Capital Improvement Plan of the Town of Strafford, or which, because of their location within the community are scattered or premature as would involve danger or injury to health, safety or property, by reason of the lack of water supply, transportation, drainage or other public services, or necessitate an excessive expenditure of public funds to supply such services. (amended 1-28-1986)

**F. Topography.** All subdivisions shall be laid out in harmony with the topography of the land and with the natural and manmade features; Stone walls shall be used to the greatest extent possible as boundaries. (effective 11-5-1986)

**G. Structure Siting.**

(1) Where proposed new lots may impact historically important properties, rural vistas, mountain tops, and viewscapes that distinguish the community, the subdivider shall show on the plan building envelopes positioned so as to minimize impact on these features. (Reference Strafford Master Plan Update, September 5, 2002, Chapter 3: Community Character)

(2) All principal structures shall be built within the 60% contiguous buildable area (reference Section 2.6.2). (amended 4-6-2006)

**H. Access.** Subdivision shall not be permitted on land which is not directly Class V accessible through Strafford. (effective 4-6-2006)

**I. Viewshed Protection Overlay District.** For any new lot created in the Viewshed Protection Overlay District, the Planning Board may require a detailed landscape plan prepared by a qualified landscape professional which incorporates the criteria set forth in Article 1.4.5 of the Zoning and Land Use Ordinances for review and approval. (effective 4-6-2006)



**2.6.2 Lot Configuration.** Lots shall be conventional in layout. Contrived or non-conventional layouts (ie. "dog legs", connecting strips, etc.) shall not be acceptable. No part of the lot shall be less than 75 feet in width. At least 60% of the buildable portion of the land shall be contiguous.

(Reference--Strafford Land Use and Zoning Ordinances, Article 1.4.1 Land Requirements, see Article 1.4.1, Paragraphs D through H, and Article 1.4.3 Conservation Development for further clarifications). (amended 5-1-2003)

**2.6.3 Frontage.** Every building lot shall have a minimum frontage of 200 feet, provided that, where lots are located on the exterior of a curving street, a shorter front dimension shall be permitted provided that the average width of the lot measured across its center shall be at least 200 feet, with the exception of lots in a Conservation Development presented in accordance with Article 1.4.3 of the Zoning and Land Use Ordinances. (Reference--Strafford Land Use and Zoning Ordinances, Article 1.4.1 Land Requirements, Paragraph B, and Article 1.4.3 Conservation Development for further clarifications). (amended 5-1-2003)

**2.6.4 Grading and Drainage.** Lots shall be laid out in relation to the topography, and graded sufficiently to provide adequate drainage for the purpose intended without diversion of water onto other lots or onto property adjoining the subdivision. Excessive grading and destruction of natural cover will not be permitted.

#### **2.6.5 Streets.**

**A. Arrangement.** Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land. The arrangement of streets in the subdivision shall provide for the continuation of the principle streets in adjoining subdivisions, or for their proper projection when adjoining property is not subdivided. So far as practicable, the arrangement should avoid excessive street grades and extensive cut and fill. Frontage must be on a road in Strafford and directly accessed through Strafford (amended 6-7-1990)

**B. Fire Protection.** All subdivisions with frontage on bodies of water shall provide access to said bodies of water at suitable intervals for firefighting equipment. Cisterns may be required in any subdivision. (amended 5-1-2003)

**C. Intersections.** Streets should be laid out to intersect as nearly as possible at right angles and no angle of intersection of less than sixty degrees shall be permitted. Grades for an intersecting roadway shall not exceed three percent (3%) within one hundred feet of the intersection. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines. The Planning Board shall require a minimum sight distance of 300 feet, whenever possible. Intersecting property lines at street intersections shall be joined by a curve of at least 20-foot radius. (amended 6-7-1990)

**D. Dead-End Streets.** Dead-end streets shall be provided with a cul-de-sac. Minimum design/construction requirements are:

1. The center line of the cul-de-sac shall be aligned with the projected center line of the street.
2. Pavement width: 20 feet.

3. Base course and pavement: same as required for streets (reference paragraph 2.6.5 F).
4. Inside pavement radius: 50 feet.
5. Right-of-way: concentric; 25 feet from center line of pavement.
6. A landscaped and drained center island.

Hammer-head turn-arounds may be substituted at the discretion of the Planning Board. Hammer-head designs will be subject to the approval of the Planning Board.

The length of a dead-end street shall not exceed 800 feet measured to the center of the cul-de-sac (or to the center line of a hammer-head) except in the case of Conservation Development, where the Board shall consider the maximum street length on a case by case basis.

A dead-end street shall service no more than ten (10) lots. (amended 5-1-2003)

#### **E. Street Geometric Standards.**

\*Maximum grade: 10 percent

Vertical curves: crest K=30

sag K=40

Horizontal alignment: Minimum radius: 230 feet

Maximum superelevation: .02 feet/foot

\* Note provisions of paragraph 2.6.5 C, Intersections.  
(amended 6-7-1990)

**F. Street Construction Standards.** All street construction shall conform to the dimensions shown on the typical section (Figure 1, Section 2.6.5, amended 1-27-2005). The typical section and notes pertaining to material specifications and construction requirements shall be made a part of the applicant's subdivision/roadway plans.

Existing streets deemed by the Board to be inadequate access for a proposed development shall be upgraded by the developer. (amended 4-6-2006)

**G. Drainage.** (Note: Provision for drainage shall be in compliance with Article 2.6.1 D.) All streets shall be provided with adequate drainage facilities (ditches, culverts, and catch basins). No water shall be permitted to run across the surface of a street. The minimum culvert size under a street shall be fifteen (15) inches.

Drainage design shall be by a qualified licensed professional engineer using standard hydraulic design methods which address erosion control during construction and for ditches with grades in excess of 4 percent. Downstream impacts shall be addressed.

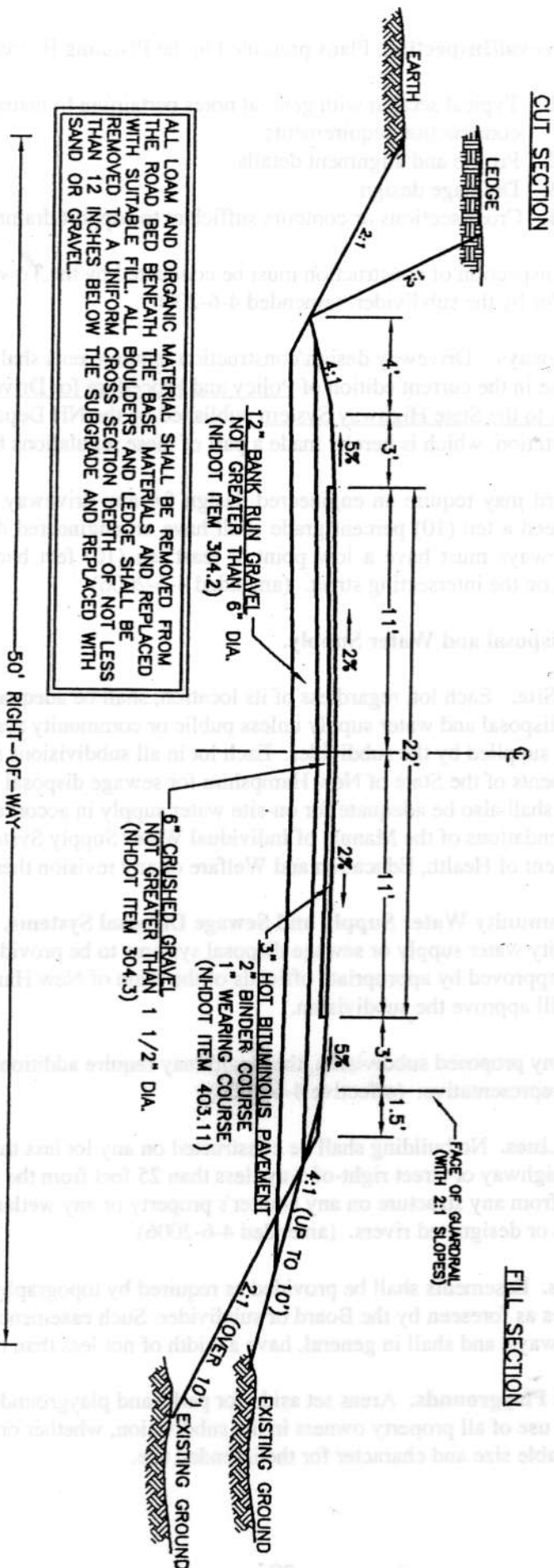
Construction shall be in conformance with the Standard Specifications for Road and Bridge Construction, NH Department of Transportation, current edition. (amended 6-7-1990).



Figure 1 (Section 2.6.5)

# REQUIRED ROADWAY CROSS SECTION

FOR  
PROPOSED SUBDIVISION ROADS  
STRAFFORD, NH



H. **Approval/Inspection.** Plans presented to the Planning Board must show:

1. Typical section with general notes pertaining to material specifications and construction requirements.
2. Profile and alignment details.
3. Drainage design.
4. Cross-sections or contours sufficient to support drainage design.

Inspection of construction must be conducted by the Town's engineer and paid for by the subdivider. (amended 4-6-2006)

I. **Driveways.** Driveway design/construction requirements shall be in conformance with those in the current edition of Policy and Procedure for Driveways and Other Accesses to the State Highway System published by the NH Department of Transportation, which is hereby made a part of these regulations by reference.

The Board may require an engineered design for any driveway. Lots where driveways may exceed a ten (10) percent grade shall have an engineered design prior to approval. All driveways must have a low point at least ten (10) feet back from the edge of the shoulder on the intersecting street. (amended 4-6-2006)

#### 2.6.6 Sewage Disposal and Water Supply.

A. **On-Site.** Each lot, regardless of its location, shall be adequate to provide for on-site sewage disposal and water supply unless public or community systems are available or are to be supplied by the subdivider. Each lot in all subdivisions shall satisfy the requirements of the State of New Hampshire for sewage disposal systems near shorelines. Each lot shall also be adequate for on-site water supply in accordance with the recommendations of the Manual of Individual Water Supply Systems issued by the U.S. Department of Health, Education and Welfare or any revision thereof.

B. **Community Water Supply and Sewage Disposal Systems.** The design of any community water supply or sewage disposal systems to be provided by the subdivider shall be approved by appropriate officials of the State of New Hampshire before the Board will approve the subdivision.

C. For any proposed subdivision, the Board may require additional test pits observed by a Town representative. (effective 4-6-2006)

2.6.7 **Building Lines.** No building shall be constructed on any lot less than 40 feet from the boundary of the nearest highway or street right-of-way; less than 25 feet from the lot side or back lines; and, no less than 50 feet from any structure on any abutter's property or any wetlands or surface waters, or 75 feet from vernal pools or designated rivers. (amended 4-6-2006)

2.6.8 **Easements.** Easements shall be provided as required by topography and use for utilities and other special purposes as foreseen by the Board or subdivider. Such easements shall have satisfactory access to public right-of-ways, and shall in general, have a width of not less than twenty (20) feet.

2.6.9 **Parks and Playgrounds.** Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners in the subdivision, whether or not required by the Board, shall be of reasonable size and character for the intended use.

**2.6.10 Reserve Strips.** Reserve strips of land which, in the opinion of the Board, show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.

**2.6.11 Operation and Maintenance of Facilities.** The Board will approve no subdivisions with a community water supply or sewage disposal system subject to control by the State of New Hampshire until provision satisfactory to the State is made for the continued operation and maintenance of such systems. The Board encourages, and may require, the subdivider to establish a community association to provide continued maintenance of such community utilities, streets, parks and playgrounds and beaches as may not be dedicated to public use and accepted by the Town.

**2.6.12 Performance Guarantee.** Before final approval of a subdivision by the Board, there shall be filed by the subdivider a performance guarantee to cover the costs as determined by the Selectmen of the completion of any required improvements to roads or utilities or the cost of any potential damage to existing Town roads. The performance guarantee shall be either a bond or a cash deposit or savings bank book properly endorsed to the Town and deposited with it. All improvements must be completed within three years from the date of approval of the final plat. The performance guarantee shall remain in effect for one year after the completion of the improvement or one year after the correction of latent defects, whichever is later. In addition, a road maintenance guarantee shall be required for a period of two additional years. Completion dates of improvements or corrections shall be certified by the Selectmen.

A. In the instance of cash or the assignment of a savings bank book, the amount on deposit may be reduced by the Selectmen upon resolution when portions of the required improvements have been made provided that a sufficient amount of at least 25% shall be retained to cover any latent defects which may appear within one (1) year. Bonds may be reduced in a like manner by substituting a new bond of a lesser amount.

B. If the improvements have not been made within three (3) years, or if latent defects have not been corrected within one (1) year, any cash or bank deposit on file may be used to make the required improvements. When a performance bond is properly filed, the obligor and surety thereon shall be liable for the improvements or corrections. (amended 6-7-1990)

**2.6.13 Street Names.** Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same names. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Town and shall be subject to the approval of the Selectmen.

**2.6.14 Utilities (Electrical, Telephone, Cable Television or Data, Street Light & Other Over Head Wire Utilities).**

1. Utilities shall be installed underground except as otherwise approved by the Planning Board.
2. Underground utilities shall be installed in accordance with utility company requirements and prior to the installation of the crushed gravel course.
3. The size, type, and location of streetlights, electric and gas lines, telephone and other utilities shall be shown on the plan and approved by the Board.
4. All street and other lighting in the subdivision shall be consistent with the 2002 Master Plan Dark Sky policies and implementation strategies. (effective 1-27-2005)

## **2.7 Requirements for Completed Applications.**

2.7.1 Subdividers shall file with the Board six copies of the subdivision plans at a scale of not more than 100 feet to the inch showing or accompanied by the following information (amended 5-1-2003):

- A. Subdivision name; name and address of owner of record; subdivider; designer; date; locus/site location; north point and scale.
- B. Tax map number and parcel number. If the parcel is under Current Use Assessment, indicate on the plan.
- C. Deed reference; submit a copy of the applicable deed or deeds.
- D. Names of owners of record of abutting properties; abutting subdivision names and plan references; streets; easements; all buildings within 100 feet; all roads and driveways within 200 feet; alleys; parks; public open spaces; and similar facts regarding abutting property.
- E. Area of site (acreage), location of property lines and their dimensions; existing easements, buildings, watercourses, ponds or standing water, rock ledges, stone walls, graveyards, and other essential features on-site; topographic contours; soils classifications; location of soil and groundwater test pits; percolation test data; proposed lot lines; proposed lot areas (acreages); lot numbering; building lines (setbacks to front, side and rear boundaries and to wetlands); septic setback line to wetlands. For large lots, sufficient topographical and soils information must be provided to confirm minimum lot size and building area. (amended 5-6-1999)
- F. Existing water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
- G. Location, name and widths of existing and proposed streets with their grades and typical sections (Reference Article 2.6.5 H). Location and designs of any bridges or culverts which may be required. Road names must comply with E-911 requirements. (amended 5-1-2003)
- H. Boundaries and purposes of proposed permanent easement over or under private property.
- I. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication; location of all parcels of land proposed for community use and the conditions of such use; and a copy of such private deed restrictions as are intended to cover part of or all of the tract.
- J. Temporary stakes or other markers shall be provided on the property to facilitate inspection.

J. Temporary stakes or other markers shall be provided on the property to facilitate inspection.

K. Where the plans submitted cover only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part will be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.

L. Copies of all permits, special investigative studies and/or any other additional information which has been requested by the Planning Board.

M. Wetlands Delineation Requirements: Jurisdictional wetlands and vernal pools shall be shown on the plans. The precise location of a wetland boundary in any particular case must be determined by on-site inspection of soils, vegetation, and hydrology by a New Hampshire Certified Wetland Scientist using the 1987 Corps of Engineers Wetlands Delineation Manual. The edge of a wetland must be flagged by a New Hampshire Certified Wetland Scientist with each flag labeled with a unique number or code. The flag locations and labels shall be clearly presented on development plans provided to the Planning Board that display wetland boundaries. (effective 4-6-2006)

## **2.8 Final Plat:**

**2.8.1 Specification for Final Plat.** Three copies of the final plat shall be submitted for approval. The drawings shall conform to all requirements of the Register of Deeds for Strafford County for recording. If the final plan includes additional sheets that are not recorded at the Registry of Deeds, the plan must reference the total number of sheets and must include a notation stating that the complete plans are available at the Town Offices for consultation. Each sheet shall have adequate space for necessary endorsement by the proper authorities. The final plat shall show all items listed in Section 2.7, in their final form, plus the following (amended 5-1-2003):

A. Proposed subdivision name or identifying title, the name and address of owner of record and subdivider, the name, license number and seal of the designer and/or the name and address of the surveyor, date, scale and north point.

B. Monuments, street lines, building lines, pedestrian ways, lot lines, easements, areas to be dedicated to public use, areas for community use, and areas the title to which is reserved by the subdivider.

C. Sufficient data to determine readily the location, bearing, and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Designation and area of each lot.

**2.8.2 Other Data.** The subdivider shall submit in triplicate all drawings and specifications required for the construction of all required improvements; such assurances and bonds as the Board may require; shall set reference monuments consisting of concrete or stone markers, or of drilled holes in ledge, so located that at least one corner of each lot may be reached by a survey line no more than 1,000



feet long; and shall set permanent boundary markers, such as iron pipe, on the property to mark each lot and area as identified on the plat. (amended 2-1-1984)

## **2.9 Amendments:**

2.9.1 These regulations may be amended or rescinded by the Board but only following a public hearing on the proposed change. The Chairman or Secretary of the Board shall transmit a record of any changes so authorized to the Register of Deeds of Strafford County.

2.9.2 The Planning Board shall not grant final approval of any subdivision after the first posting of the Legal Notice of proposed changes in the Zoning and Land Use Ordinances (RSA 675:3), or the Subdivision Regulations (RSA 675:6), if the proposed changes, if adopted, would justify refusal of the proposed subdivision. After final action has been taken on the proposed changes in the Zoning and Land Use Ordinance or the Subdivision Regulations, the Planning Board shall proceed to approve or disapprove all such subdivisions which have been held in abeyance pursuant to this section. (amended 2-1 1984).

## Non-Residential Site Plan Regulations Town of Strafford

### 3.1 Authority:

Pursuant to the authority vested in the Strafford Planning Board by the voters of the Town of Strafford by a vote at the Town Meeting of March 13 1979, and in accordance with New Hampshire Revised Statutes Annotated 36: 19-a, (recodified as Chapters 674 to 675) the Strafford Planning Board adopts the following regulations governing the development of non-residential tracts of land.

And further, pursuant to the authority vested in the Strafford Planning Board by the voters of the Town of Strafford by a vote at the Town Meeting of March 8, 1994, and in accordance with New Hampshire Revised Statutes Annotated 674: 43, the Strafford Planning Board adopts the following regulations governing the change or expansion of use or tracts for non-residential uses or for multi-family dwelling units.

### 3.2 Procedure

Prior to seeking a special exception by the Board of Adjustment, the Planning Board shall review and approve or disapprove all site plans for the development of tracts of land for all non-residential uses and all multi-family uses except a 2 family or 3 family structure on individual lots, in accordance with the following (amended 4-6-2006):

**3.2.1 Application.** Requests for consideration of site plan reviews shall follow the same procedure as requests for consideration of subdivisions (Reference--Strafford Subdivision Regulations, Section 2.5)

**3.2.2 Requirements.** In order to properly evaluate the potential impact on the quality of the rural/agricultural environment of Strafford, all non-residential and multifamily developments, except those so exempted, shall provide the Planning Board with complete data on the following:

- A. Topography and ground elevations before and after construction.
- B. Drainage, ground elevation, and landscaping.
- C. All buildings and floor plans with elevations.
- D. Parking areas.
- E. Signs: types, height and location.
- F. All utilities.
- G. Additional data covering activities such as personnel, shipments, food arrangements, waste disposal, noise, or any other item so requested by the Planning Board. (amended 5-6-1999)
- H. **Telecommunications Facilities.** Any proposal for the construction of a telecommunications facility shall include complete plans for both construction and removal of the facility. Approval

is contingent upon execution of a mutually agreeable Performance Agreement between the Board and the applicant, including the Performance Bond or other financial assurance, for the removal of the tower within three (3) months of termination of use, which will include some financial assurance for removal in case of default. (effective 5-1-2003)

**I. Wetland Impact.** The Strafford Planning Board reserves the right to require the restoration of an impacted wetland as a condition of approval for any proposed development that has altered the land surface or hydrologic features of a wetland. The potential causes of wetland impacts include, but are not limited to, heavy equipment use, test pit digging, logging and clearing, trenching, grading, dredging and/or filling. Impacts to a wetland that are associated with a development shall be considered a violation of this article and will be addressed as stated in Article 1.4.4, Section 8.0. (effective 4-6-2006)

**3.2.3 Bonds.** Bonds or other sureties sufficient to cover the cost of the preparation of streets, any required utility, or any other reason deemed sufficient by the Planning Board including potential damage to existing public roads, shall be filed in the same manner as those required for subdivisions (Reference--Strafford Subdivision Regulations, Section 2.6.12)

Building Regulations  
Town of Strafford

4.1 Building Regulations (effective 3-10-1959):

**4.1.1 Minimum Building Area.** Every dwelling unit to be used by a single family shall have a minimum ground floor area of five hundred (500) square feet.

**4.1.2 Foundations.** All structures shall be set on solid foundations of cement, brick, stone or other acceptable masonry except that in special cases where buildings are to be used for accessory use the Building Inspector may waive the requirements of this section and permit the use of wood, metal, or masonry piers.

**4.1.3 Outside Walls.** These shall be constructed of material commonly used for outside construction and materials customarily painted shall be painted.

**4.1.4 Sewerage.** A private sewage disposal system is required. The type, size and construction of all septic tanks and drain fields shall be approved by the State of New Hampshire.

**4.1.5 Chimney Construction.** Chimneys shall extend at least three (3) feet above the highest point where they pass through the roof of a building and at least two feet higher than any portion of the building within ten (10) feet. No chimney shall be built, erected, or altered below the roof having wood or other combustible materials within one inch of the chimney and no chimney shall have its base resting upon any floor or beam or any combustible material. Factory-built chimneys that are approved as a result of tests and listing by a nationally recognized testing laboratory shall be installed in accordance with the condition of approval.

**4.1.6 Amendment.** This Ordinance may be amended by a majority vote of any legal Town Meeting when such an amendment is published in the warrant calling for the meeting.

**4.1.7 Enforcement.** The Selectmen or their designee are authorized to enforce the provisions of the Building Regulations through any and all lawful means. (amended 3-8-1994)

**4.1.8 Effective Date, April 1, 1959.** Building Regulations are authorized under Sections 2 - 5 inclusive, Chapter 156, New Hampshire Revised Statutes Annotated 1955.

**4.1.9 Height.** There shall be a maximum height for all unsprinkled buildings and structures of 30 feet measured as the vertical distance from the first floor sill level, not including walk-outs, to the highest point of the roof. There shall be no third story dormer on structures with a walk-out basement. Buildings that are sprinkled to the specifications of the Strafford Fire and Rescue shall not exceed 40 feet in height.

The Board of Adjustment may issue a Special Exception to the height restrictions in any zone provided the structure is any of the following, and does not constitute a hazard to any established airport; these structures would be: church towers, belfries, monuments, fire towers, silos, ornamental towers and spires, chimneys, elevators, flagpoles, and cupolas, specifically excluding utility structures regulated under RSA 674:30. (effective 3-14-2006)

4.1.10 **Driveway.** The driveway providing access to any new structure shall have a 12 foot minimum travel way. Driveways in excess of 400 feet in length shall provide turn-outs no more than 400 feet apart. (effective 3-14-2006)

4.1.11 **Viewshed Protection Overlay District.** For any new construction in the Viewshed Protection Overlay District, the following shall be required:

A. Prior to the issuance of a building permit, the property owner shall be required to execute and record an agreement at the Strafford County Registry of Deeds, regarding plans to maintain or replace vegetation as required under Article 1.4.5 of the Zoning and Land Use Ordinances, to be maintained by the owners or their successors so as to minimize the view of the project from public ways.

B. The project lighting, including site lighting, shall be designed to minimize off-site visibility and glare. (effective 3-14-2006)

4.2 Motion by Albert Leighton that anyone wishing to build a dock or pier be required to obtain a permit from the Selectmen. Seconded and voted in the affirmative (March 9, 1965). Anyone anticipating building or repairing a dock or pier shall also be required to obtain a permit for dredge and fill in wetlands from the New Hampshire Wetlands Board pursuant to NH RSA 483-A: 1. (amended 3-8-1988)

4.3 Motion made by George Foss that the Selectmen be authorized to appoint a Building Inspector to hold office for the term of one year, and by vote fix and regulate his compensation as authorized by Section I, Chapter 156, NH Revised Statutes Annotated, 1955. Motion seconded and vote carried in the affirmative (March 10, 1959)

4.4 **Floodplain Development Regulations.** The following regulations adopted pursuant to the authority of NH RSA 674: 16 shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the Town of Strafford, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps of the Town of Strafford, dated April 2, 1986 (Reference Revised County of Strafford Maps, effective date May 17, 2005), or later revisions, which are declared to be a part of this ordinance. (amended 3-8-2005)

4.4.1 All proposed development in any special flood hazard areas shall require a permit. The term 'development' is defined to mean "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations."

4.4.2 The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4.4.3 Where new and replacement water and sewer systems (including on-site systems) are proposed in floodprone areas the applicant shall provide the Building Inspector with assurance that new



and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

4.4.4 The Building Inspector shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement. If the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed. This information must be furnished by the applicant

4.4.5 The Building Inspector shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.

4.4.6 In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector.

Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector, certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

Along watercourses that have a designated Regulatory Floodway, no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the designated Regulatory Floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that development meet the floodway requirements of this section.

Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A 1-30 on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point in the community. (amended 3-12-2002)

#### 4.4.7 100 Year Flood Elevation Determination

- 1) In special flood hazard areas the Building Inspector shall determine the 100 year flood elevation in the following order of precedence according to the data available:
  - a. In Zones A 1-30, and AH, refer to the elevation provided in the community's Flood Insurance Study and accompanying FIRM or FHBM.

- b. In unnumbered A zones the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state, development proposals submitted to the community (example subdivisions, site approvals, etc.) or other source.
  - c. In Zone AO the 100 year flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM, at least two feet. (amended 3-12-2002)
- 2) The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in Zones A 1-30, AE, AH, AO and A that:

- a. all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level;

- b. that all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:

- (i) be floodproofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

- (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

- (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;

- c. Recreational vehicles placed on sites within Zones A 1-30, AH, and AE shall either (i) be on the site for fewer than 180 consecutive days or (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3 (b) (1) and (e) (2-7) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c) (6) of Section 60.3. (effective 3-8-94)

- d. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces,

- e. for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted providing the enclosed areas meet the following requirements:

- (1) the enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, building access or storage;
- (2) the area is not a basement;
- (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

f. proposed structures to be located on slopes in Special Flood Hazard Areas, Zones AH and AO shall include adequate drainage paths to guide flood waters around and away from the proposed structures.

#### 4.4.8 Definition of Terms:

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow,

"Area of special flood hazard" is the land in the flood plain within the community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A 1-30, AE or A 99. (amended 3-12-2002)

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Building"--see structure.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"FEMA" means the Federal emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters, and (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map" (FLOODWAY) is an official map of the community, on which the Federal Emergency Management Agency has delineated the "Regulatory Floodway". This map should not be used to determine the correct flood hazard zone or base flood elevation, the Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

"Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood, mudslide (i.e. mudflow), related erosion areas having special hazards have been designated as Zone A.

"Flood Insurance Rate Map" (FIRM) means an official map incorporated with this ordinance on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Strafford.

"Flood Insurance Study"-see "flood elevation study"

"Flood plain" or "flood-prone area" means any land area susceptible to being inundated by water from any source.

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway"-see "regulatory floodway"

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading /unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities. (effective 3-10-1998)

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- 1) By an approved state program as determined by the Secretary of the Interior, or
- 2) Directly by the Secretary of the Interior in states without approved programs. (effective 3-10-1998)

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor: Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"100 year flood"-see "base flood"

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (effective 3-8-94)

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map. (effective 3-10-98)

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special flood hazard area" means an area having special flood, mudslide (i.e. mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A 1-30, AE, A99, and AH. (see Area of Special Flood Hazard)

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.



"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; or does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (effective 3-10-1998)

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a 'historic structure', provided that the alteration will not preclude the structure's continued designation as a 'historic structure'.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

#### 4.4.9 Variances and Appeals:

- 1) Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676: 5.
- 2) If the applicant, upon appeal, requests a variance as authorized by RSA 674: 33 I (b), the applicant shall have the burden of showing, in addition to the usual variance standards under state law,
  - a) that the variance will not result in increased flood heights, additional threats to public safety; or extraordinary public expense;
  - b) that if the requested variance is for activity within a designated regulatory floodway no increase in flood levels during base flood discharge will result;
  - c) that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3) The Zoning Board of Adjustment shall notify the applicant in writing that (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variances.

4) The community shall (i) maintain a record of all variance actions, including their justification for their issuance and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator. (effective 3-10-1998)

4.5 The Zoning Board of Adjustment shall act as the Building Code Board of Appeals pursuant to NH RSA 673:1 v. (effective 3-8-1994)

4.6 The Selectmen are empowered to adopt and amend, from time to time, a schedule of fees to be charged for building permits, inspections, and certificates of occupancy. To do so, the Selectmen shall first hold a public hearing on the same, with notice to the public by posting and publication at least two weeks prior to the hearing (exclusive of the day of posting/publication and the day of hearing) and then post the new or amended schedule of fees at least two weeks prior to its taking effect. The fees presently charged for such items and services shall continue in effect until amended or superseded in this manner. (effective 3-8-1994)

## Scenic Roads Ordinance

1. Designation: Upon the recommendation or request of the Board of Selectmen, Planning Board, Conservation Commission, Historical Commission, or by petition, the Town Meeting may designate any road in the town, with the exception of Class I or Class II highways, as a "Scenic Road," as provided by RSA 231:157.

2. Effect of Designation.

A. Upon a road being designated as a Scenic Road, as in 1., above, any repair, maintenance, reconstruction, widening or of the traveled portion, or paving work done within the right of way by any person or entity, public or private (hereinafter "person") shall not involve or include the cutting, damage, or removal of trees 15 inches, or more, in circumference, measured four feet from the ground, or the tearing down, removal, or destruction of stone walls, or any portion thereof, except with the prior, written consent of the Planning Board, after a public hearing, duly advertised as to time, date, place, and purpose, two (2) times in a newspaper of general circulation in the area, the last publication to occur at least seven (7) days prior to such hearing, as provided and set forth in RSA 231:158.

B. As provided in RSA 231:158, this ordinance provides that the road agent or his designee may, without such a hearing, but only with the written permission of the selectmen, remove trees or portions of trees which have been declared a public nuisance, pursuant to RSA 231:145 and RSA 231:146.

C. As provided in RSA 231:158, this ordinance provides that a public utility, when involved in the emergency restoration of service may, without such hearing or permission of the selectmen, perform such work as is necessary for the restoration of utility service;

D. Designation of a road as scenic shall not affect the eligibility of the town to receive road aid, pursuant to the provisions of RSA 235.

E. Designation of a road as scenic shall not affect the rights of any landowner with respect to work on his own property, except to the extent that trees have been acquired by the town as shade or ornamental trees pursuant to RSA 231:139-156, and except that RSA 472:6, limits the removal or alteration of boundary markers, including stone walls.

3. Protection of stone walls: Stone walls that are located along the front property line of lots abutting a scenic road shall be protect and preserved to the maximum extent possible. If the Planning Board, after holding a public hearing, as required by 2, above, approves the removal of a portion of a stone wall, the stones taken there from shall be reused on the property to rebuild deteriorated portions of the stone wall, or to construct a stone wall at the driveway entrance.

4. Violations and Penalties: Any person violating any provision of this ordinance shall be guilty of a violation, and subject to a fine of up to two hundred seventy-five dollars (\$275.00). Each day of said violation may be construed as a separate offense. Said person shall also be liable for all damages, including the restoration of the stone wall to its original location, and replacement of damaged and/or removed tree (s) to their original location."

Adopted March 18, 2006

Designated Scenic Roads as of 2006: Back Canaan Road, Evans Mountain Road, Parsons Hill Road, Willey Pond Road.

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## Related Planning and Zoning Statutes

NH RSA 155-A establishes the International Residential Code 2000 as the NH state building code for residential structures, and adopts by reference a number of other building, plumbing, mechanical, electrical etc. codes.

NH RSA 482-A (Administrative Rules Env-Wt 100-700) requires that projects be designed to avoid and minimize impacts to wetlands and other jurisdictional areas. Check the NH Department of Environmental Services Wetlands Bureau for additional information.

NH RSA 483-B Comprehensive Shoreland Protection Act establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters. Check the NH Department of Environmental Services Wetlands Bureau/Shoreland Protection for additional information.

NH RSA 485-A:17 governs site excavation under the Alteration of Terrain or Site Specific Permit Program. Check the NH Department of Environmental Services Site Specific Program for additional information.

NH RSA 485-A (Administrative Rules Env-WS 1000) governs the design, operation, and permit requirements for septic systems. Contact the NH Department of Environmental Services Subsurface Systems Bureau for additional information.

Administrative Rules Env-Ws 386.59/60 provides special protection for the Berry River and its watershed, including land in Strafford. The rules require a 75 foot building setback for any building or structure of any kind within which animals or fowls are kept, and regulate the disposal of certain wastes.

Title XXVI, Chapter 289 regulates Cemeteries and Burials. Section 289:3 requires that certain minimum setbacks be met, including the regulation that no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery.

US Federal rules require an EPA Storm Water Permit for construction activity that disturbs one acre or more. Contact the NH Department of Environmental Services for additional information.